

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
Case No. 1-21-cv-229

RUSSELL DORVIT )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 EAST PENN MANUFACTURING )  
 COMPANY, INC., )  
 )  
 Defendant. )  
 )  
 )

**AMENDED JOINT  
RULE 26(f) REPORT**

1. **Meeting of Counsel.** Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and Local Rule 16.1(b), a meeting was held by phone on May 27, 2021 and was attended by Eric Spengler, counsel for Plaintiff, and Christopher Finan, counsel for Defendant.

2. **Discovery Plan.** The parties propose to the Court the following discovery plan:

There are no motions pending in the above-captioned action. The “commencement date” of discovery will begin on **June 30, 2021**.

Discovery will be needed on the following subjects:

- i. The claims alleged in Plaintiff’s Complaint or any Amended Complaint that might be filed; and
- ii. The defenses raised in any Answer, or the matters raised in any Counterclaim filed by the Defendant.

Discovery shall be placed on a case-management track established in Local Rule 26.1. The parties agree that the appropriate plan for this case is the Complex track. The date for the completion of all discovery (general and expert) is **January 15, 2021**.

Reports required by Rule 26(a)(2)(B) and disclosures required by Rule 26(a)(2)(C) are due during the discovery period: from Plaintiff by **November 1, 2021** and from Defendant no later than **November 16, 2021**.

Supplementations will be as provided in Rule 26(e) or as otherwise ordered by the court.

3. **Mediation.** Mediation should be conducted late in the discovery period, the exact date to be set by the mediator after consultation with the parties. The parties agree that the mediator shall be Ken Carlson.

4. **Preliminary Deposition Schedule.** Preliminarily, the parties agree to depositions upon the completion of written discovery, in late summer or early fall. The parties will update this schedule at reasonable intervals.

5. **Other items.** Plaintiff should be allowed until **July 30, 2021** to request leave to join additional parties or amend pleadings. Defendant should be allowed until **August 14, 2021** to request leave to join additional parties or amend pleadings. After these dates, the Court will consider, *inter alia*, whether the granting of leave would delay trial.

The parties have discussed special procedures for managing this case, including reference of the case to a Magistrate Judge on consent of the parties under 28 U.S.C. §§636(c), or appointment of a master: the parties do not consent to reference of the case to a Magistrate Judge.

Trial of the action is expected to take approximately three (3) days. A jury trial has been demanded.

The parties HAVE discussed whether the case will involve the possibility of confidential or sealed documents. The parties do not anticipate that either party will seek to file any documents under seal with the Court.

Respectfully submitted, this, the 23<sup>rd</sup> day of June, 2021.

/s/ Eric Spengler

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